

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**APRIL 21, 2010**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Scott Stoffregen**, Pastor of Faith Lutheran Church, gave the invocation. **Wilkinson** led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present: Stuart, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger  
Councilmembers Absent: Mendoza  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Neighborhood Services Specialist, Nikki Hoogendoorn  
Various Department Heads or their representative  
City Clerk, Brigitta M. Kuiper

**FINAL CALL**

**Mayor Krieger** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS - none**

**I. CALL TO THE PUBLIC**

**Monica De Leon**, 3602 Cooke Street, expressed her concerns about being denied the ability to make a police report regarding an alleged drug dealer.

**II. MOTION CONSENT AGENDA**

**Motion** (Beeson/McClendon): To adopt the Motion Consent Agenda as recommended, with the exception of items B.2 and B.5, which were removed for separate consideration by McClendon and Stuart, respectively. Voice vote: **approved 6-0.**

**A. Approval of minutes of the following City Council meetings:**

Regular City Council Meeting  
Regular City Council Meeting

January 20, 2010  
March 3, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Removed for separate consideration; see below.
3. Approve a Special Event Liquor License application submitted by Clyde (Bob) Nidiffer, on behalf of the Navy League of the United States-Yuma Council, for a fundraiser to support the Officer Spouse Club (OSC) Education Scholarship Program. The event will be held at the Yuma Art Center, 254 S. Main Street, on Saturday, May 1, 2010 from 6:00 p.m. to 9:00 p.m. (SP10-08) (Admin/Clerk)
4. Approve an application for a New License/Interim Permit for a Beer and Wine Bar (#7) Liquor License submitted by Panayiota Pardini, agent for Mikonos, Inc. dba Mad Chef Restaurant, 108 South Gila Street, Yuma, Arizona. (LL10-05) (Admin/Clerk)
5. Removed for separate consideration; see below.
6. Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by William Edward Malo, agent for LZ Bar & Grill, for "LZ WWII USO Show" on June 19, 2010 to be held at 2175 S. Harley Drive, Yuma, Arizona. (EP10-03) (Admin/Clerk)
7. Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by William Edward Malo, agent for LZ Bar & Grill, for "LZ Hot Southern Rock" event on July 3, 2010 to be held at 2175 S. Harley Drive, Yuma, Arizona. (EP10-04) (Admin/Clerk)
8. Approve an application for a Permanent Extension of Premises/Patio Liquor License Permit submitted by Carla Renee Gravley, agent for Carla Renee's restaurant, located at 265 S. Main Street, Yuma, Arizona. (EP10-05) (Admin/Clerk)
9. Authorize staff to negotiate and execute a five-year contract (with the option to renew for five additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance) with New World Systems, Troy, Michigan, for the Multi-Jurisdictional Integrated Public Safety System for the Yuma Regional Communications System at an estimated first-year cost of \$3,431,708.00. (RFP #2010000001) (ITS/Fin/ Pur/Telecommunications)
10. Ratify and authorize an amendment to the contract with Principle Engineering Group, Inc., (PEG) Yuma, Arizona, for Professional Engineering and Related Services Requiring Arizona Department of Transportation / Federal Highway Administration Project Experience and Grant Services, on a Delivery Order Basis, to increase the single delivery order value, with written City Engineer approval, from \$200,000.00 up to \$250,000.00 for the current contract year. (RFP No. 2005000359) (Eng)
11. Reject all bids for Physical Examination Provider Services. (Bid #2010000242) (Fire)

12. Award to the lowest responsive/responsible bidder for Avenue 3E Reconstruction 24th Street to 32nd Street and 24th Street Pavement Replacement Industrial Avenue to 23rd Lane at a total cost of \$2,999,005.02 to DPE Construction, Inc., Yuma, Arizona. (Bid # 2010000291) (Eng)
13. Authorize execution of an Intergovernmental Agreement with the U. S. Army Yuma Proving Ground (YPG), for mutual aid and assistance for fire, medical, hazardous materials, chemical, biological, radiological, nuclear, and high yield explosives (CBRNE), mass casualty emergencies and operation support. (Fire)
14. Authorize execution of the First Amendment to the Intergovernmental Agreement with the Marine Corps Air Station (MCAS) Yuma, to allow the area known as the "Estancia" to be added to the physical boundaries for response of automatic aid within the City of Yuma. (Fire)
15. Ratify the City Administrator's action to execute an intergovernmental agreement with Arizona State Parks to manage and operate the Yuma Territorial Prison State Historic Park. (Admin/YCHA)
16. Ratify the City Administrator's action to execute an agreement to convey to the Yuma Crossing National Heritage Area the responsibility for operations of the Yuma Territorial Prison State Historic Park, without City funding, and to provide performance standards for the Yuma Crossing National Heritage Area Corporation. (Admin/YCHA)

**Motion Consent Agenda Items Removed For Separate Consideration**

- B.2. Approve a Special Event Liquor License application submitted by Oscar Frank Chavez, on behalf of the Immaculate Conception Roman Catholic Parish and Guadalupe Mission – Yuma, for a Mother's Day Celebration. The dinner and dance event is a fundraiser for the parish and will be held at Saint Ann's Parish Hall, 505 S. Avenue B, on Saturday, May 8, 2010 from 5:00 p.m. to 1:00 a.m. (SP10-07) (Admin/Clerk)

**McClendon** stated that the parish is home to a private school and she does not agree with liquor licenses on any school property.

**Motion** (Johnson/Beeson): To approve the Special Event Liquor License for Immaculate Conception Roman Catholic Church Parish and Guadalupe Mission-Yuma. Roll call vote: **failed** 3-3; McClendon, Brooks-Gurrola and Mayor Krieger voting nay.

- 
- B.5. Approve a New Restaurant (#12) Liquor License application submitted by William Francis Bowles, agent for Das Bratwurst Haus, LLC dba Das Bratwurst Haus, 204 South Madison Avenue, Yuma, Arizona. (LL10-06) (Admin/Clerk)

**Motion** (Beeson/Johnson): To approve item B.5, Liquor License for Das Bratwurst Haus. Roll call vote: **adopted** 5-0-1; Stuart abstaining due to a conflict of interest arising from his partial ownership of the property.

### **III. RESOLUTION CONSENT AGENDA**

**Motion** (McClendon/Johnson): To approve the Resolution Consent Agenda as recommended.

**Kuiper** displayed the following titles:

#### **Resolution R2010-19**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City Administrator, upon certain terms and conditions, to execute documentation pertaining to grants and permits from the United States Department of the Interior, Bureau of Land Management, and provide payment therefor, on behalf of the City of Yuma (USBLM) (Eng)**

#### **Resolution R2010-20**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement deferring Citywide Development fees for 2360 South Avenue A (Applicants: Klaudia Jan Goldsboro, Robert George Goldsboro and Liana Goldsboro) (Eng)**

#### **Resolution R2010-21**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement deferring Citywide Development fees for Redondo Limited Partnership (property being a portion of Parcel A of Home Depot Lot Tie/Split, located east of Redondo Center Drive; future site of Arizona Department of Economic Security complex) (Eng)**

#### **Resolution R2010-22**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting deferral of Citywide Development fees and Water and Sanitary Sewer Capacity fees for Terraces Townhomes, LLC (property: Sunset Terrace Townhomes Subdivision) (Eng)**

#### **Resolution R2010-23**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Reimbursement Agreement with Cielo Verde Development, a Limited Partnership, for Avenue 8½E roadway improvements (Avenue 8½ E between 36th Street and 40<sup>th</sup> Street) (Eng)**

Roll call vote: **adopted** 6-0.

### **IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Motion** (Johnson/McClendon): To adopt the Ordinance Consent Agenda as recommended.

**Kuiper** displayed the following title:

#### **Ordinance O2010-21**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance Nos. O2007-35 and O2009-45, for the purpose of revising certain legal descriptions contained therein and authorizing**

**and directing that certain parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcels of real property**

(Right-of-way acquisition modification for Avenue 3E street construction project between Gila Ridge Road and 32<sup>nd</sup> Street) (Eng)

Roll call vote: **adopted** 6-0.

## **V. INTRODUCTION OF ORDINANCES**

**Kuiper** displayed the following title:

### **Ordinance O2010-22**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain parcels of real property, hereinafter described, surplus for use by the City and authorizing and directing that said parcels of real property, hereinafter described, be abandoned and conveyed to the United States Department of the Interior/Bureau of Reclamation for the reason that such action is required for the continued development and improvement of the Yuma Riverfront infrastructure and facilities and other public purposes as may be related thereto, and authorizing payment of all costs necessary for the abandonment and conveyance of said parcel of real property**  
(USBR; portions of Jones Street and Gila Street rights-of-way) (Eng)

## **VI. PUBLIC HEARINGS**

**Grant: 2010 Community Development Block Grant Action Plan** – Public Hearing for and approval of the City of Yuma 2010 Community Development Block Grant (CDBG) Action Plan authorizing the City Administrator to execute an application for funding to the Department of Housing and Urban Development (HUD). This reservation of funds is subject to the satisfactory completion of National Environmental Protection Act (NEPA)/Part 58 review. (Admin/EcDev)

**Mayor Krieger** opened the Public Hearing at 5:49 p.m.

**Hoogendoorn** presented the following information:

- What is the purpose of CDBG?
  - Decent housing
  - A suitable living environment,
  - Expanding economic opportunities
    - Principally for low-to-moderate income persons (currently set at \$35,750/year or less for a family of 4 in Yuma County)
- What is the 2010 CDBG Action Plan?
  - Specifies how this year's annual City of Yuma CDBG award of \$1,013,563 + \$31,655 of Program Income will be used.

- Receive public comment on the City's 2010 CDBG Action Plan.
  - Comments received will be included in approved plan.
- Request City Council approval of the 2010 CDBG Action Plan.
- The 2010 CDBG Action Plan complies with all regulations
  - Prepared with citizen participation
  - All proposed activities are eligible and meet at least one objective of the national CDBG Program
  - At least 70% of funds will be used for low-income persons
  - No more than 15% (entitlement + previous year's program income) will be used for public services
  - No more than 20% will be used for administration
  - City Council-approved plan will be submitted to HUD for final approval by May 15<sup>th</sup>
- Proposed 2010 CDBG Action Plan:

<b>I. HOUSING &amp; NEIGHBORHOOD REVITALIZATION TOTAL</b>	<b>\$ 642,799</b>
Home Accessibility Modification - SMILE	\$ 106,000
Housing Rehabilitation – Neighborhood Services	\$ 230,000
Code Enforcement/Rental Inspection – Neighborhood Services	\$ 75,304
Affordable Housing Acquisition & Rehabilitation – Yuma Neighborhood Development Organization	\$ 110,000
IDA Homeownership Program – Yuma Neighborhood Development Organization	\$ 46,495
1 <sup>st</sup> Street Housing Project – the Excel Group	\$ 75,000
<b>NEIGHBORHOOD ECONOMIC DEVELOPMENT TOTAL</b>	<b>\$ 37,036</b>
IDA Microenterprise Program – Yuma Neighborhood Development Organization	\$ 37,036
<b>II. NEIGHBORHOOD AND COMMUNITY SERVICES TOTAL</b>	<b>\$ 141,667</b>
MLK Center Operations – Neighborhood Services	\$ 66,407
Fair Housing – Neighborhood Services	\$ 21,000
Neighborhood Outreach - Neighborhood Services	\$ 25,000
Financial Literacy Academy – Neighborhood Services	\$ 15,000
Our Future, Our Children – Regional Center for Border Health	\$ 14,260
<b>III. GENERAL ADMINISTRATION &amp; PLANNING TOTAL</b>	<b>\$ 209,043</b>
<b>TOTAL ACTIVITIES FOR 2010</b>	<b>\$ 1,030,545</b>
Funds not programmed	\$ 14,673
<b>TOTAL USES</b>	<b>\$ 1,045,218</b>
<b>2010 ENTITLEMENT</b>	<b>\$ 1,013,563</b>
Estimated 2010 Program Income	\$ 31,655
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 1,045,218</b>

**Motion** (Beeson/Johnson): To close the Public Hearing on the Grant 2010 Community Development Block Grant and Grant Action Plan. Voice vote: **adopted** 6-0; Public Hearing closed at 5:51 p.m.

**Motion** (McClendon/Stuart): To approve the Grant 2010 Community Development Block Grant Action Plan. Roll call vote: **adopted** 6-0.

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (McClendon/Johnson): To appoint Teresa Yreta to the Housing Authority of the City of Yuma (HACY) for one term to expire 01/25/2015. Voice vote: **approved** 6-0.

**Johnson** stated that he would be attending the Rural Transportation Advocate Council meeting on Friday.

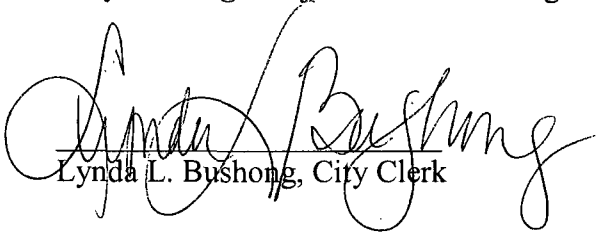
**Mayor Krieger** stated that he would be attending the upcoming Greater Phoenix Chamber of Commerce presentation.

**VIII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** stated that early ballots would be mailed to registered City voters who requested them on April 22, 2010 for the upcoming May 18, 2010 election.

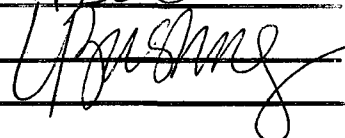
**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Mayor Krieger** adjourned the meeting at 5:54 p.m. No Executive Session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
<u>July 21, 2010</u>
City Clerk: <u></u>